

STOCKSCHLAEDER, MCDONALD & SULES, P.C., ESQS.
161 WILLIAM STREET, 19TH FLOOR
NEW YORK, NEW YORK 10038
(212) 608-1911
Attorneys for Defendant(s)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COPY

CASE NO:
07 CIV 9589

SEAN CARROLL,

Plaintiff(s),

-against-

NOTICE OF REMOVAL
OF ACTION UNDER 28

ABRAHAM MATHEWS,

(DIVERSITY)

Defendant(s).

X

TO THE CLERK OF THE ABOVE ENTITLED COURT:

PLEASE TAKE NOTICE that defendant, ABRAHAM MATHEWS, hereby removes to this Court the state court action described below.

1. On or about September 19, 2007 an action was commenced in the Supreme Court of the State of New York in and for the County of Bronx entitled SEAN CARROLL, Plaintiffs, ABRAHAM MATHEWS Defendant, as Case Number 301048/07.

2. The first date upon which defendants SEAN CARROLL, received a copy of the said complaint was on September 26, 2007 when defendant(s) received a copy of the said complaint and a summons from the said state court in the mail. A copy of the summons and complaint are attached hereto as Exhibit "A".

3. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. §1332 and is one which may be removed to this Court by defendant(s) pursuant to the provisions of 28 U.S.C. §1441(b) in that it is a civil action between citizens of different states and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs because plaintiff is a citizen of New York and defendant is a citizen of Connecticut.

4. Defendant(s) is(are) informed and believes that plaintiffs was, and still is, a citizen of the State of New York. Defendant(s), SEAN CARROLL was(were), at the time of the filing of this action, and still is, a citizen of Connecticut and is the only defendant that has been served summons and complaint in this action.

Dated: October 26, 2007

New York, New York

Stockschlaeder, McDonald
& Sules, P.C.

By: 

Richard T. Sules (RTS 1665)
Attorney for Defendants
161 William Street, 19th Floor
New York, New York 10038
(212) 608-1911

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SEAN CARROLL,

Plaintiff(s),

-against-

ABRAHAM MATHEWS,

Defendant(s).

X

CASE NO:
07 CIV 9589

Demand for
Jury Trial

Defendant ABRAHAM MATHEWS, hereby demands trial by jury in
this action.

Dated: October 26, 2007
New York, New York

Stockschlaeder, McDonald
& Sules, P.C.

By:

Richard T. Sules (RTS 1665)
Attorney for Defendants
161 William Street, 19th Floor
New York, New York 10038
(212) 608-1911

EXHIBIT "A"

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
SEAN CARROLL,

Plaintiff,

-against-

ABRAHAM MATHEWS,

Defendant.
-----X

Index No.: 301048-07

Date Purchased: 9/19/2007

SUMMONS

Plaintiff designates Bronx
County as the place of trial.

The basis of venue is:
Plaintiff's Residence


Plaintiff resides at:
2758 Matthews Avenue
Bronx, New York 10467

County of Bronx

To the above named Defendant:

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorney(s) within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: BRONX, NY
September 17, 2007



THOMAS J. LAVIN, ESQ.
THE LAW OFFICE OF THOMAS J. LAVIN
Attorneys for Plaintiff
SEAN CARROLL
2980 Bruckner Boulevard
Bronx, NY 10465
(718) 829-7400

TO: ABRAHAM MATHEWS
41 Grant Avenue
Stamford, CT 06902

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
SEAN CARROLL,

Plaintiff,

-against-

ABRAHAM MATHEWS,

Defendant.
-----X

Index No.: 301648/07
Date Purchased: 9/19/07

VERIFIED COMPLAINT

Plaintiff, by his attorneys, THE LAW OFFICE OF THOMAS J. LAVIN, complaining
of the Defendant, respectfully alleges, upon information and belief:

1. At all times herein mentioned, Plaintiff SEAN CARROLL was, and still is, a
resident of the County of Bronx, State of New York.

2. At all times herein mentioned, Defendant ABRAHAM MATHEWS was, and still
is, a resident of the County of Fairfield, State of Connecticut.

3. At all times herein mentioned, Defendant ABRAHAM MATHEWS was the
owner of a 2006 Jeep motor vehicle bearing State of Connecticut registration number 242UPU.

4. At all times herein mentioned, Defendant ABRAHAM MATHEWS operated the
aforementioned motor vehicle.

5. At all times herein mentioned, Defendant ABRAHAM MATHEWS managed the
aforementioned motor vehicle.

6. At all times herein mentioned, Defendant ABRAHAM MATHEWS maintained
the aforementioned motor vehicle.

RECEIVED
07 SEP 19 AM 10:22
COUNTY CLERK
BRONX COUNTY

DK1

A

DK1

DK1

DK2

DK1

DK1 7. At all times herein mentioned, Defendant ABRAHAM MATHEWS controlled the aforementioned motor vehicle.

DK1 8. At all times herein mentioned, Plaintiff SEAN CARROLL was the operator of a 2007 Isuzu motor vehicle bearing New York State registration number 87475JV, owned by Ryder Truck Rental, Inc.

DK1 9. At all times herein mentioned, Southbound New England Thruway, approximately 1/2 mile south of Exit 13, County of Bronx, State of New York, were public roadways and/or thoroughfares.

DK1 10. That on June 18, 2007, Defendant ABRAHAM MATHEWS was operating his motor vehicle at the aforementioned location.

DK1 11. That on June 18, 2007, Plaintiff SEAN CARROLL was operating the motor vehicle owned by Ryder Truck Rental, Inc. at the aforementioned location.

DK1 12. That on June 18, 2007, the motor vehicle owned and operated by Defendant ABRAHAM MATHEWS came into contact with the motor vehicle operated by Plaintiff SEAN CARROLL at the aforementioned location.

D 13. That as a result of the aforesaid contact, Plaintiff SEAN CARROLL was injured.

D 14. That the aforesaid occurrence was caused wholly and solely by reason of the negligence of the Defendant without any fault or negligence on the part of the Plaintiff contributing thereto.

D 15. That Defendant was negligent, careless and reckless in the ownership, operation, management, maintenance, supervision, use and control of the aforesaid vehicle and the

Defendant was otherwise negligent, careless and reckless under the circumstances then and there prevailing.

D
16. That by reason of the foregoing, Plaintiff SEAN CARROLL sustained severe and permanent personal injuries and was otherwise damaged.

D
17. That Plaintiff SEAN CARROLL sustained serious injuries as defined by §5102(d) of the Insurance Law of the State of New York.

D
18. That Plaintiff SEAN CARROLL sustained serious injuries and economic loss greater than basic economic loss as defined by §5104 of the Insurance Law of the State of New York.

D
19. That Plaintiff SEAN CARROLL is not seeking to recover any damages for which Plaintiff has been reimbursed by no-fault and/or worker's compensation insurance and/or for which no-fault and/or worker's compensation insurance is obligated to reimburse Plaintiff. Plaintiff is seeking to recover only those damages not recoverable through no-fault and/or worker's compensation insurance under the facts and circumstances in this action.

D/KZ
20. That this action falls within one or more of the exceptions set forth in CPLR §1602.


D
21. That by reason of the foregoing, Plaintiff SEAN CARROLL has been damaged in a sum of money having a present value that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction of this matter.

WHEREFORE, Plaintiff SEAN CARROLL demands judgment against the Defendant in a sum of money having a present value that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction of this matter and Plaintiff requests full and fair

monetary compensation for pain and suffering to be determined by a jury at the time of Trial,
together with the costs and disbursements of this action.

Dated: Bronx, NY
September 17, 2007

Yours, etc.,



THOMAS J. LAVIN, ESQ.
THE LAW OFFICE OF THOMAS J. LAVIN
Attorneys for Plaintiff
SEAN CARROLL
2980 Bruckner Boulevard
Bronx, NY 10465
(718) 829-7400

Auto Aff Def
Demands all
Fees R75

INDIVIDUAL VERIFICATION

STATE OF NEW YORK)
COUNTY OF BRONX) ss:

That deponent has read the foregoing SUMMONS AND VERIFIED COMPLAINT and knows the contents thereof; that the same are true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters deponent believes them to be true.

Deponent further says that the source of deponent's information and the grounds of deponent's belief as to all matters not stated upon deponent's knowledge are from investigations made on behalf of said Plaintiff.

x D Carroll

Sworn to before me on
September 18, 2007

NOTARY PUBLIC

THOMAS J. LAVIN

Notary Public, State of New York

No. 03-5002952

Qualified in Bronx County

Commission Expires October 13, 2010

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SEAN CARROLL,

Plaintiff(s),

-against-

ABRAHAM MATHEWS,

Defendant(s).

CASE NO.
07 CIV 9589

=====

NOTICE OF REMOVAL OF ACTION
UNDER 28, U.S.C. §1441(B) (DIVERSITY)
and Jury Demand

=====

STOCKSCHLAEDER McDONALD & SULES, P.C.
Attorney(s) for Defendant(s)
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NEW YORK, NEW YORK 10038
Tel. No. (212) 608-1911
File No. 2513

PLEASE TAKE NOTICE that pursuant to CPLR 2103(5)
this office does not accept service of papers by
electronic means